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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,412	03/22/2000	Jonathan J. Hull	74451.P115	8317
7590 10/28/2008 Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			EXAMINER KE, PENG	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 10/28/2008	DELIVERY MODE PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/532,412
Filing Date: March 22, 2000
Appellant(s): HULL ET AL.

Jonathan J. Hull
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/6/08 appealing from the Office action mailed 1/26/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,596,702	Stucka	1-1997
5,936,625	Kahl et al.	8-1999

For the above reasons, it is believed that the rejections should be sustained.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26, 28-30, 32-34, 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Stucka et al.(US 5,596,702).

As per independent claim 1, Stucka et al. teaches a method comprising:

Extracting a first data from a display buffer, the first data generated by a first application and being associated with a user interface from the first application; (col 23 lines 62-67, col 24 lines 37-60)

Recognizing a layout from the first data; and

Using the layout to create an overlay to display a second data generated by a second application (col 26, lines 66-67, col 27, lines 1-5), wherein there is no direct link between the first application and the second application (col 4, lines 64-67, col 5, lines 1-2);

And wherein the first data is extracted from the display buffer without cooperation of the first application at runtime (col. 10, lines 44-68; Since the setting information of the user's interface is stored to a server and load from the server, therefore it is inherent that there is no cooperation of first application at runtime)

As per claim 2, which is dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein recognizing the layout comprises performing a pattern recognition operation on the first data to create the layout (col 23 lines 62-67, col 24 lines 37-60).

As per claim 3, which is dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein using the layout to create the overlay comprises:

Determining an overlay location on the layout to place the second data

Based on known information about the layout;

Generating the overlay of the layout;

Placing the second data in the overlay; and

Merging the overlay with the layout. (col 26, lines 66-67, col 27, lines 1-5).

As per claim 4, which is dependent on claim 3, Stucka et al. teaches the method of claim 3, wherein the overlay location has a context consistent with the second data (col 26, lines 66-67, col 27, lines 1-5).

As per claim 5, which is dependent on claim 4, Stucka et al. teaches the method of claim 4, wherein the context is provided by the first application, and wherein a user interacts with the second application using the context (col 26, lines 66-67, col 27, lines 1-5).

As per claim 6, which is dependent on claim 1, Stucka et al. teaches the method of claim 1, further comprising:

Writing the overlay in the display buffer such that the second data is displayed at the overlay location without changing sections of the first data outside of the overlay location (col 23 lines 62-67, col 24 lines 37-60);

Displaying information in the display buffer; and

Interacting with the second application through the second data at the overlay location (col 26, lines 66-67, col 27, lines 1-5).

As per claim 7, which dependent on claim 1, Stucka et al. teaches the method of claim 6, further comprising running the first application in the background while interacting with the second application (col 26, lines 66-67, col 27, lines 1-5).

As per claim 8, which dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein the first application runs independently from the second application (col 4, lines 64-67, col 5, lines 1-2).

As per independent claim 9, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 10, which is dependent on claim 9, it is of the same scope as claim 2. (See rejection above)

As per claim 11, which is dependent on claim 9, it is of the same scope as claim 3. (See rejection above)

As per claim 12, which is dependent on claim 9, it is of the same scope as claim 4. (See rejection above)

As per claim 13, which is dependent on claim 9, it is of the same scope as claim 5. (See rejection above)

As per claim 14, which is dependent on claim 9, it is of the same scope as claim 6. (See rejection above)

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7. (See rejection above)

As per claim 16, which is dependent on claim 9, it is of the same scope as claim 8. (See rejection above)

As per independent claim 17, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 2. (See rejection above)

As per claim 19, which is dependent on claim 17, it is of the same scope as claim 3. (See rejection above)

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 4. (See rejection above)

As per claim 21, which is dependent on claim 17, it is of the same scope as claim 5. (See rejection above)

As per claim 22, which is dependent on claim 17, it is of the same scope as claim 6. (See rejection above)

As per claim 23, which is dependent on claim 22, it is of the same scope as claim 7. (See rejection above)

As per claim 24, which is dependent on claim 17, it is of the same scope as claim 8. (See rejection above)

As per independent claim 25, Stucka et al. a method, comprising:

Modifying data in a display buffer that is generated by a first application with data generated by a second application without cooperation of the first application at runtime (col. 10, lines 44-68; Since the setting information of the user's interface is stored to a server and load

from the server, therefore it is inherent that the cooperation of first application at runtime), the first application running independently from the second application (col 23 lines 62-67, col 24 lines 37-60); and

Receiving input in response to user interactions with the second application through a user interface associated with the data generated by the first application, wherein the data generated by the second application is placed in a location in the user interface, wherein the location is contextually consistent with the data generated by the second application (col 26, lines 66-67, col 27, lines 1-5); and

As per claim 26, which is dependent on claim 25, Stucka et al. teaches the method of claim 25, wherein modifying data in the display buffer comprises:

Performing a pattern recognition operation on the data generated by the first application to create a layout (col 23 lines 62-67, col 24 lines 37-60); and

Forming an overlay with the layout and with predetermined information about a display corresponding to the user interface, the overlay used to determine placement of the data generated by the second application in the display (col 26, lines 66-67, col 27, lines 1-5).

As per claim 28, which is dependent on claim 26, it is of the same scope of claim 7. (See rejection above)

As per independent claim 29, it is rejected with the same rationale as claim 25. (see rejection above)

As per claim 30, which is dependent on claim 29, it is of the same scope of claim 26. (See rejection above)

As per claim 32, which is dependent on claim 29, it is of the same scope of claim 7. (See rejection above)

As per independent claim 33, it is rejected with the same rationale as claim 25. (see rejection above)

As per independent claim 34, Stucka et al. teaches the computer system of claim 33, wherein modifying data in the display buffer comprises:

Performing a pattern recognition operation on the data generated by the first application to create a layout (col 23 lines 62-67, col 24 lines 37-60); and

Forming an overlay with the layout and with predetermined information about a display corresponding to the user interface, the overlay used to determine placement of the data generated by the second application in the display (col 26, lines 66-67, col 27, lines 1-5).

As per claim 36, which is dependent on claim 34, it is of the same scope of claim 7. (See rejection above)

As per independent claim 37, Stucka et al. teaches a method comprising:
Reading raster data from a raster display buffer containing an image generated by a first application wherein the first data is extracted from the display buffer without cooperation of first application at runtime; (col. 10, lines 44-68; Since the setting information of the user's interface is stored to a server and load from the server, therefore it is inherent that the cooperation of first application at runtime)

Performing a pattern recognition on the image to generate a pattern (col 23 lines 62-67, col 24 lines 37-60);

Applying predetermined information about the image with the pattern to determine a layout of the image;

Generating an overlay using the layout of the image; and

Placing data generated by a second application on the overlay (col 26, lines 66-67, col 27, lines 1-5).

As per claim 38, which is dependent on claim 37, Stucka et al. teaches the method of claim 37, further comprising writing the overlay into the raster display buffer (col 26, lines 66-67, col 27, lines 1-5).

As per claim 39, which is dependent on claim 37, Stucka et al. teaches the method of claim 37, wherein the image comprises a user interface from the first application, and wherein a user interacts with the second application through the user interface while the first application runs in the background (col 4, lines 64-67, col 5, lines 1-2).

As per claim 40, which is dependent on claim 39, Stucka et al. teaches the method of claim 39, wherein while the user interacts with the second application, the first application has no control of input received from the user (col 4, lines 64-67, col 5, lines 1-2).

Claims 27, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucka et al. (US. 5,596,702) further in view of Kahl et al. (U.S. 5,936,625).

As per claim 27, which is dependent on claim 26, Stucka et al. teach claim 26, however Stucka et al. fail to teach layout comprises of grid cells corresponding to display areas in the user interface, and wherein the data generated by the second application is placed in the grid cell. Kahl et al. teaches a graphical user interface layout comprises of grid cell corresponding to display areas in the user interface (See fig. 3). It would be have been obvious to an artisan at the

time of the invention to include Kahl's teaching with the method of Stucka et al. in order to transfer the graphical user interface of one calendar to that of another calendar.

As per claim 31, which is dependent on claim 30, it is of the same scope as claim 27. (See rejection above).

As per claim 35, which is dependent on claim 34, it is of the same scope as claim 27. (See rejection above).

(10) Response to Argument:

A. Whether claims 1, 9, and 17 are anticipated under 35 U.S.C. §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant's argument focused on the following:

1. Stucka fails to teach extracting data of an application from a display buffer, particularly, without cooperation of the application.
2. Stucka fails to teach recognizing a layout from the first application.
3. Stucka fails to teach creating an overlay for an application interface based on a recognized layout
4. Stucka fails to teach first data is extracted from the display buffer without cooperation of the first application at runtime

Examiner's response:

1. Stucka teaches extracting data of an application from a display buffer, particularly, without cooperation of the application because Stucka constantly extracts and stores interface data from ram, which is used as a display buffer.

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Here, Stucka constantly extracts and stores interface elements that are modified by the user from RAM, when it operates as a working memory area and as a display buffer. (see Stocka figure 2. items 38, 58, and 72; col. 7, lines 45-62; col. 8, lines 6-26; col. 25, lines 32-col. 26, lines 14) When RAM operates as a working memory area, Stucka would load and retrieve display object through it. (column 8, lines 14-25) Therefore Stucka's RAM is a display buffer because it is a memory that temporarily stores display data.

2. Stucka recognizes a layout from the first application because it recognizes modification made by user to the first applicant's interface. (column 25, lines 31-column 26, lines 14) Stucka recognizes, stores, and applies every modification made by the user in working memory area. (column 25, lines 32-line 50) These modifications includes general layout component, such as background color, foreground color, text, font. (column 24, lines 56-62) Therefore Stucka recognizes the general layout because Stucka can recognize, store and apply changes to the general layout of the application.

3. Stucka creates an overlay for an application interface, because she teaches loading recognized interface components to an application interface. (column 23, lines 55-column 23, lines 62, column 25, lines 50-column 26, lines 14) In Stucka, the overlay components of an organized layout, which includes background color, foreground color, text, and font, are implemented to an application interface upon user's command. (column 23, lines 55-column 23, lines 62) Furthermore, any additional change, which user made to one application interface, can be assigned to other application interfaces. (column 25, lines 50-column 26, lines 14) Therefore, Stucka is not only creating an overlay for a second application, she is constantly modifying the overlay based on changes made to the first application, where she also received the initial layout information.

4. Stucka teaches extracting the display data without the cooperation of the application at runtime, because Stucka extracts the display without application volunteering the data to the working memory area for the purpose of recognizing the display layout. (column 8, lines 8-25) Here, the working memory area is acting as a display buffer that provide temporary storage for display objects. (column 8, lines 8-25) In fact, Stucka uses the user interface server or UIS to extract modified layout component, such as change of the color or the text, from the working memory area. (column 25, lines 34-64) Furthermore, Stucka separates the application interface from the window management system to create two independent entities. (column 10, lines 20-22) Therefore Stucka neither acquire nor need the cooperation of the application because she is use the user interface server to extracting data from the working memory area.

Although applicant indicated that the examiner stated "...it is inherent that the cooperation of first application at runtime.." in the 1/26/05 office action, this is a minor typographical error

and should not constitute a ground for re-opening prosecution because there is an overwhelming amount of evidence from the reference that indicates the user interface server is extracting the display data without the cooperation of the application at running time. (column 8, lines 8-25, column 10, lines 20-22)

B. Whether claims 2, 10, and 18 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant argued that Stucka fails to teach pattern operation recognition.

Examiner disagrees.

Stucka recognizes a pattern operation layout because she recognizes a sequence of layout operations. (column 16, lines 50-60) Here, the sequence of layout instructions constructs the background color, foreground color, text, and font of a interface. (column 16, lines 50-60) Therefore, by recognizing this sequence of operations, Stucka is recognizing a pattern operation layout.

C. Whether claims 3-5, 11-13, and 19-21 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant argued that Stucka fails to make the corresponding modification from the recognized layout to the second application layout.

Examiner disagrees.

Stucka makes these corresponding modifications because it recognizes the changes to the components of a first application, and applies the same modifications to the components that are located in same positions of the second application. (column 25, lines 50-64)

D. Whether claims 6-7, 14-15, and 22-23 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant argues that Stucka fails to teach manipulating data in the display buffer.

Examiner disagrees.

Stucka teaches this limitation, because modified display data in the working memory area of the display buffer. (column 26, lines 1-14) Here, the working memory area is a display buffer since it is used for temporarily stores display data.

E. Whether claims 8, 16, 24 are anticipated under under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant argued Stucka fails to teach a first application runs independently from the second application.

Examiner disagrees.

In Stucka, the individual applications are running independently from each other in that no application is required to be running for the other program or programs to function normally. (column 8, lines 8-26) Furthermore, Stucka separates each application interface from the window management system to create two independent entities. (column 10, lines 20-22)

F. Whether claims 25, 28-29, 32-33, and 36 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant's argument is similar to his argument for claims 1, 9, and 17.

Examiner disagrees for the rationale as indicated for claims 1, 9, and 17.

G. Whether claim 26, 30, and 34 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant's argument is similar to his argument for claims 25, 29, and 33.

Examiner disagrees for the rationale as indicated for claims 25, 29, and 33.

H. Whether claims 37-40 are anticipated under §102 (b) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka")

Applicant's argument is similar to his argument for claims 1, 9, and 17.

Examiner disagrees for the rationale as indicated for claims 1, 9, and 17.

G. Whether claims 27, 31, and 35 are anticipated under §103 (a) by U.S. Patent No. 5,596,702 of Stucka et al. ("Stucka") further in view of U.S. Patent No. 5,936,625 of Kahl et al. ("Kahl")

Applicant's argued that Kahl fails to teach using a grid cells for purpose of overlay user interface purpose.

Although Kahl fails to this limitation, examiner never intended to use Kahl for disclosing using a grid cells for purpose of overlay user interface purpose. In fact, examiner is relying on Stucka to teach overlaying user interface purpose, and using Kahl to teach why one of the ordinary skilled in the art would apply a set of grid cells in a overlaying because the grid cells are description materials. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peng Ke

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